

February 18, 2011

AGENDA  
ILLINOIS CIVIL SERVICE COMMISSION  
February 18, 2011

I. OPENING OF MEETING AT 11:00 A.M. AT 160 N. LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD JANUARY 21, 2011

**WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR MEETING HELD JANUARY 21, 2011?**

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

**A. Report on Exempt Positions<sup>1</sup>**

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging .....	145	10
Agriculture.....	423	16
Arts Council.....	19	2
Capitol Development Board .....	46	0
Central Management Services .....	1,407	115
Children and Family Services.....	2,952	48
Civil Service Commission .....	4	0
Commerce & Economic Opportunity .....	425	66
Commerce Commission.....	78	0
Corrections.....	11,804	103
Criminal Justice Authority.....	64	5
Deaf and Hard of Hearing Comm.....	7	1
Developmental Disabilities Council .....	9	1
Emergency Management Agency .....	92	7
Employment Security .....	1,888	29
Environmental Protection Agency.....	894	16
Financial & Professional Regulation .....	482	41
Gaming Board.....	90	5
Guardianship and Advocacy .....	109	7
Healthcare and Family Services.....	2,264	25
Historic Preservation Agency .....	190	9
Human Rights Commission .....	14	2
Human Rights Department .....	152	8
Human Services .....	13,424	77
Insurance.....	248	11
Investment Board.....	2	1
Juvenile Justice .....	1,256	20
Labor.....	77	7
Labor Relations Board Educational .....	11	2
Labor Relations Board State .....	16	2
Law Enforcement Training & Standards Bd.....	17	2
Medical District Commission .....	2	0
Military Affairs.....	123	3
Natural Resources .....	1,257	26
Pollution Control Board.....	21	1
Prisoner Review Board .....	19	0
Property Tax Appeal Board .....	22	1
Public Health .....	1,089	42
Racing Board .....	2	0
Revenue .....	2,026	56
State Fire Marshal.....	141	12
State Police .....	1,284	4
State Police Merit Board.....	6	1
State Retirement Systems .....	87	2
Transportation.....	3,956	0
Veterans' Affairs .....	1,221	7
Workers' Compensation Commission .....	176	8
<b>TOTALS .....</b>	<b>50,041</b>	<b>801</b>

<sup>1</sup> Source: Illinois Department of Central Management Services Report on Exempt Positions.

**B. Governing Rule – Section 1.142 Jurisdiction B Exemptions**

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
  - 1) The amount and scope of principal policy making authority;
  - 2) The amount and scope of principal policy administering authority;
  - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
  - 4) The capability to bind the agency, board or commission to a course of action;
  - 5) The nature of the program for which the position has principal policy responsibility;
  - 6) The placement of the position on the organizational chart of the agency, board or commission;
  - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

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**C1. Illinois Department of Revenue – Proposed Exemption**

Position Number	40070-25-41-140-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Audit Bureau
Functional Title	Manager, Audit Program for Income Tax Division
Incumbent	Charles K. Campbell
Supervisor	Manager of the Audit Bureau, who reports to the Director
Location	Cook County

**C2. Illinois Department of Revenue – Proposed Exemption**

Position Number	40070-25-41-110-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Audit Bureau
Functional Title	Manager, Audit Program for Sales & Miscellaneous Tax Division
Incumbent	Roger W. Koss
Supervisor	Manager of the Audit Bureau, who reports to the Director
Location	Sangamon County

**CMS Recommendation:** “These positions do meet the reporting criteria of the Commission Rules and considering the similarities of these requested positions with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

**D. Illinois Department of Revenue – Proposed Exemption**

Position Number	40070-25-90-000-01-01
Position Title	Senior Public Service Administrator
Bureau/Division	Lottery
Functional Title	Lottery Superintendent
Incumbent	Vacant
Supervisor	Director
Location	Cook County

**CMS Recommendation:** “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

**WILL THE COMMISSION GRANT THE REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITIONS?**

- C1: Manager, Audit Program for Income Tax Division (DOR)**
- C2: Manager, Audit Program for Sales & Miscellaneous Tax Division (DOR)**
- D: Lottery Superintendent (DOR)**

**E. Proposed rescissions in accordance with Section 1.142 of the Rules of the Civil Service Commission**

On January 18, 2011 the Executive Director of the Civil Service Commission sent notices to Central Management Services and each agency of the proposed rescission of the following 4d(3) exempt positions which may no longer meet the requirements for exemption. Section 1.142 provides that rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.

<b>Item</b>	<b>Agency</b>	<b>Position Number</b>	<b>Functional Title</b>
E1	CEO	40070-42-00-094-00-01	Manager, ITO (European, Middle East, Africa, and Asia)
E2	CEO	40070-42-80-000-00-01	Deputy Director, Homeland Security Marketplace
E3	FPR	40070-13-10-400-00-01	Manager, Residential Finance
E4	DHS	40070-10-12-200-00-29	Manager, Latino Worker Safety and Immigration Office
E5	DHS	40070-10-76-600-00-01	Deputy Director, Clinical Operations
E6	DJJ	40070-27-00-100-00-01	Deputy Director, Operations
E7	DPH	40070-20-06-205-00-51	Regional Health Officer-Marion
E8	DPH	40070-20-52-000-00-01	Division Chief, Food-Drugs-Dairies
E9	DOR	40070-25-07-150-00-01	Deputy General Counsel, Income Tax
E10	DOR	40070-25-42-320-00-01	Shared Services Center-Assistant HR Director, Functional Processes
E11	DOR	40070-25-42-410-00-01	Shared Services Center-Assistant CFO-Functional Processes
E12	SFM	40070-50-50-200-00-01	Director, Boiler & Pressure Vessel Safety
E13	WCC	40070-50-37-000-00-02	Chief of Staff / Assistant Secretary

**WILL THE COMMISSION RESCIND THE EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITIONS?**

- E1: Manager, ITO (Europe, Middle East, Africa & Asia) (CEO)**
- E2: Deputy Director, Homeland Security Marketplace (CEO)**
- E3: Manager, Residential Finance (FPR)**
- E4: Manager of Latino Worker Safety and Immigration Office (DHS)**
- E5: Deputy Director, Clinical Operations (DHS)**
- E6: Deputy Director, Operations (Juvenile Justice)**
- E7: Regional Health Officer-Marion (DPH)**
- E8: Division Chief, Food-Drugs-Dairies (DPH)**
- E9: Deputy General Counsel, Income Tax (DOR)**
- E10: Shared Services-Assistant HR Director-Functional Processes (DOR)**

- E11: Shared Services-Assistant CFO-Functional Processes (DOR)**
- E12: Director, Boiler & Pressure Vessel Safety (SFM)**
- E13: Chief of Staff / Assistant Secretary (WCC)**

V. CLASS SPECIFICATIONS

The following class titles were submitted for revision by the Director of Central Management Services:

- Revenue Auditor Trainee**
- Revenue Auditor 1**
- Revenue Auditor 2**
- Revenue Auditor 3**

Classification Analysis: “Revenue has reported a problem in screening job candidates for the Revenue Auditor series. Currently the Revenue Auditor Trainee calls for a bachelor’s degree and 21 semester hours in accounting. The expectation has been that job candidates would be exposed to progressively more difficult coursework in the field of accounting, and attain core knowledge in different areas of accounting and tax auditing. However, a few candidates were able to obtain the necessary semester hours in accounting by taking successive lower level classes from different institutions and on-line courses in order to meet the requirement. The specific changes recommended with this revision serve to specify more narrowly defined degree areas related to this occupational area as a means to better screen professional accounting and related degree candidates. This in turn will assure that more rounded candidates with specific career aspirations in this profession will be defined in the candidate pool.

In addition, at the agency’s request, we looked into the possibility of modifying the series to require “progressive” coursework in accounting. This addition is intended to better support labor discussions in addressing the identified problem. While production screening for progressive coursework for all applicants would be a labor intensive activity, by moving the review process closer to final candidate selection, it is expected that the concern can be addressed to assure that candidates complete a range of progressive accounting coursework such as could be obtained in pursuing a degree in accounting from an accredited school of higher learning.

The Revenue Auditor Trainee classification is included in the Upward Mobility Program (UMP), which allows employees represented under the AFSCME contract to complete requirements for the class and acquire an advantage in the promotional process over other candidates who have not made use of this program. We looked at the success rates for candidates going through this program and successfully completing the trainee program compared with the open competitive (OC) hires success rate based on historical data furnished by the Program. Although twice as many employees were hired OC since 2005 than through the UMP, the success rate for the former group was 77% while in the UMP group, there was an 88% success rate in completing the agency’s Revenue Auditor Trainee program. Agency representatives reported that some employees did appear to have difficulty in performing work at the highest class level where they were faced with audits of much greater complexity. Such work experience at this highest level of complexity would not be a

major component of the trainee program. Although Revenue has increased the classroom training provided in-house from six to eight weeks, training is specific to Illinois tax laws and auditing procedures. Core knowledge of accounting systems would be learned in the college system, and skill would be developed through the progressive experience offered in the progressive job levels.

The agency has also identified a few candidates at the highest level in the series who were not sufficiently prepared to serve as auditor-in-charge of large and complex audits of major corporations and industries where audit complexity required a more extensive knowledge of tax accounting and auditing. The bargaining contract requires that employees be advanced “semi-automatically” to the next level in the series upon attainment of the minimum experience called for at the higher level. This applies to advancement through the working-levels above the Trainee when candidates obtain a passing grade for the next higher level and have no performance evaluation issues at the lower class level. Currently, one year of experience in the lower class working level is called for to advance to the next higher working level. We have been asked to increase the experience requirement to call for two years experience at the previous level to qualify for the Revenue Auditor 2, and similarly for the Revenue Auditor 3 class levels. This change would make better use of the available salary steps within the pay ranges available for this series at the three working levels and offer improved development of employees to assume the full range and complexity of work as defined in the highest working class level where 71% of Revenue Auditors reside. In this context, the change in the experience requirements recommended by the agency is reasonable and appropriate.”

**WILL THE COMMISSION APPROVE THE REVISION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE MARCH 1, 2011?**

- Revenue Auditor Trainee**
- Revenue Auditor 1**
- Revenue Auditor 2**
- Revenue Auditor 3**

**WILL THE COMMISSION DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY?**

VI. MOTION TO GO INTO EXECUTIVE SESSION

**PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT, WILL THE COMMISSION HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS FILED WITH THE COMMISSION, LITIGATION, AND/OR SPECIFIED EMPLOYMENT MATTERS?**

VII. RECONVENE MEETING

VIII. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services' Consecutive Non-Merit Appointment Reports.

<b>Agency</b>	<b>12/31/10</b>	<b>1/31/11</b>	<b>1/31/10</b>
Aging	1	<b>1</b>	1
Agriculture	0	<b>0</b>	1
Central Management Services	1	<b>0</b>	0
Children and Family Services	2	<b>4</b>	5
Commerce and Economic Opportunity	1	<b>0</b>	2
Employment Security	3	<b>6</b>	4
Healthcare and Family Services	4	<b>2</b>	3
Historic Preservation Agency	0	<b>1</b>	1
Human Services	1	<b>6</b>	0
Natural Resources	3	<b>15</b>	6
Property Tax Appeal Board	0	<b>1</b>	0
State Fire Marshal	1	<b>1</b>	0
Transportation	1	<b>11</b>	21
<b>Totals</b>	18	<b>48</b>	44

IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

**DA-44-10**

Employee	Eric W. Jackson	Appeal Date	03/15/10
Agency	DES	Decision Date	02/04/11
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Violation of Code of Ethics and Personnel Rule 302.700	Proposal for Decision	Charges are proven and warrant discharge.

**DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?**

**RV-26-10**

Employee	Gregory D. Douglas	Appeal Date	12/18/09
Agency	CMS	Decision Date	01/05/11
Type	Rule Violation	ALJ	Daniel Stralka
Allegation(s)	Violation of Section 304.10 of the Personnel Rules	Proposal for Decision	No violation.

**DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?**

**RV-21-11**

Employee	Troy Hurt	Appeal Date	09/16/10
Agency	DVA	Decision Date	01/25/11
Type	Rule Violation	ALJ	Andrew Barris
Allegation(s)	Violation of Section 302.600 of the Personnel Rules	Proposal for Decision	No violation.

**DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?**

X. STAFF REPORT

XI. ANNOUNCEMENT OF NEXT MEETING

**The next regular meeting is to be held on Friday, March 18, 2011 at 11:00 a.m. in the Commission's Chicago office.**

XII. MOTION TO ADJOURN